

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Case No. 2:24-cv-00093-JRG-RSP
(Lead Case)

JURY TRIAL DEMANDED

VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORP.,

Defendant.

Case No. 2:24-CV-00064-JRG-RSP
(Member Case)

JURY TRIAL DEMANDED

**UNOPPOSED MOTION FOR EXTENSION TO TAKE DEPOSITION OF MR.
BERGMAN AND TO AMEND THE DOCKET CONTROL ORDER**

Plaintiff VirtaMove Corp. (“VirtaMove”) respectfully moves the Court to extend the deadline to complete expert discovery by six days in the above-captioned case for VirtaMove and International Business Machines Corp. (“IBM”) (collectively, the “Parties”). Specifically, VirtaMove asks for permission to schedule the expert deposition of VirtaMove’s damages expert, Mr. Jim Bergman, on July 24, 2025. And because of the deposition on July 24, VirtaMove asks for certain subsequent deadlines to be modestly shifted as set forth in the attached Exhibit. This short, unopposed extension will allow the Parties to finish depositions and the impacted dispositive

and Daubert motions with minimal impact to the overall schedule.

Good cause exists because on July 3, 2025, Russ, August & Kabat (counsel for Headwater Research LLC) received notice from the Court that trial in *Headwater Research LLC v. Cellco Partnership d/b/a Verizon Wireless, et al.*, Case No. 2:23-cv-352 (E.D. Tex.), is slated to begin on July 17, 2025—just one day before the current close of expert discovery. Additionally, *Headwater Research LLC v. T-Mobile US, Inc., et al.*, Case No. 2:23-cv-379 (E.D. Tex.) is second in line. VirtaMove’s damages expert, Mr. Jim Bergman, is expected to testify in both trials and lead counsel for VirtaMove, Reza Mirzaie, likewise has those trial commitments. Moreover, given the deposition of Mr. Jim Bergman on July 24, 2025, the parties will need additional time to finalize their dispositive and Daubert motions, which are currently due on July 21, 2025, before Mr. Bergman’s deposition.

VirtaMove has diligently corresponded with IBM, requested additional time for the completion of expert discovery, and IBM has agreed to this modest shift. This Motion is not made for purposes of delay and will not prejudice any party.

Dated: July 11, 2025

Respectfully submitted,

/s/ Jonathan Ma

Reza Mirzaie (CA SBN 246953)

rmirzaie@raklaw.com

Marc A. Fenster (CA SBN 181067)

mfenster@raklaw.com

Neil A. Rubin (CA SBN 250761)

nrubin@raklaw.com

Christian W. Conkle (CA SBN 306374)

cconkle@raklaw.com

Jonathan Ma (CA SBN 312773)

jma@raklaw.com

Daniel Kolko (CA SBN 341680)

dkolko@raklaw.com

Mackenzie Paladino (NY SBN 6039366)

mpaladino@raklaw.com

Jefferson Cummings (DC SBN 90027452)

jcummings@raklaw.com

RUSS AUGUST & KABAT

12424 Wilshire Boulevard, 12th Floor

Los Angeles, CA 90025

Telephone: (310) 826-7474

Qi (Peter) Tong (TX SBN 24119042)

ptong@raklaw.com

RUSS AUGUST & KABAT

8080 N. Central Expy., Suite 1503

Dallas, TX 75206

Attorneys for Plaintiff VirtaMove, Corp.

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for Plaintiff conferred with counsel for Defendant, and this motion is unopposed.

/s/ Jonathan Ma
Jonathan Ma

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on July 11, 2025.

/s/ Jonathan Ma
Jonathan Ma